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CONFIDENTIAL FAX

To: US PATENT AND TRADEMARK OFFICE From: SARA M. POTTHAST

ATTN: ANTHONY WEIER-GROUP 1761

Fax: 703-872-9306 **Pages:** -3-

Phone: 571-272-1409 **Date:** 02/20/2004

Re: US SER. NO.10/078,600- **CC:**

RESPONSE TO REST. REQUIREMENT

X Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

• **Comments:**

ATTACHED IS A RESPONSE TO RESTRICTION REQUIREMENT(2 PAGES) WITH CERTIFICATE OF TRANSMISSION.

PLEASE ACKNOWLEDGE RECEIPT.

THANK YOU.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re application of
Zbigniew G. Lassota et al.**

**"Beverage Making System with
Flow Meter Measurement Control
and Method"**

**Ser. No. 10/078,600
Filed: February 19, 2002**

**Examiner: Anthony J. Weier
Group Art Unit: 1761**

RESPONSE TO RESTRICTION REQUIREMENT

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

BY FAX: 703-872-9306

Sir:

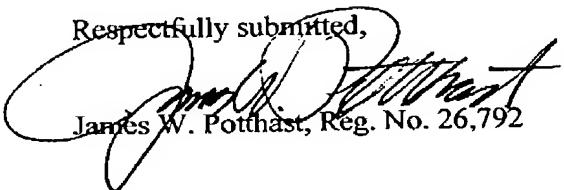
In response to the restriction requirement of February 4, 2004, applicant respectfully elects without prejudice and with traverse, the claims of Group 1: Claims 1-28 and 57-63.

The restriction requirement is inappropriate because of the virtual use of the same language and same limitations in the apparatus and method claims. In such claims having the same limitations, one cannot practice the apparatus without also practicing the method and vice versa. This should be self-evident from a reading of the claims, and assertions that such claims can be practiced independently is without logic or merit. Accordingly, with respect to such claims having substantially the same language, it is irrelevant they may be classified differently with respect to such claims.

Reconsideration and withdrawal of the restriction requirement is therefore

respectfully requested.

Respectfully submitted,



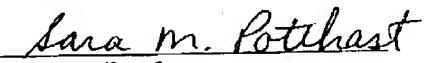
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CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)

I hereby certify that the forgoing Amendment A(2-pages) and fax transmittal form (1-page) is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. 703-872-9306) on this 20th day of June, 2004.



Sara M. Potthast
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